

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | | |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| | § | |
| v. | § | NO. 3:12-CR-131-N |
| | § | ECF |
| FARIDA YUSUFI | § | |

MOTION TO DISMISS INDICTMENT WITHOUT PREJUDICE

The United States of America, by and through the United States Attorney for the Northern District of Texas, respectfully moves this Honorable Court to dismiss the pending indictment in this case without prejudice, and in support would respectfully show the Court as follows:

I.

The defendant has been indicted for violating 18 U.S.C. § 1001 (two counts). The government now moves to dismiss this indictment, without prejudice.

II.

On August 15, 2013, a new indictment was returned against the defendant in the Sherman Division of the Eastern District of Texas. That indictment contains nine counts, including one count of wire fraud. The charges in the pending indictment in this Court are closely related to the charges in the new indictment pending in the Eastern District of Texas. Because the defendant resides in the Eastern District of Texas, and the new

charges occurred there, the government was not able to add them in the Northern District of Texas. The undersigned Assistant U. S. Attorney (AUSA), and AUSA Errin Martin of this office, have been appointed as Special Assistant United States Attorneys in the Eastern District of Texas, and will prosecute the new case in that district, along with AUSA James Peacock of the Eastern District of Texas.

III.

This motion is made in the interest of judicial economy, as well as in the interest of conserving prosecutorial resources.

For the reasons stated above, the government respectfully requests that the pending indictment be dismissed, without prejudice to refiling.

Respectfully submitted,

SARAH R. SALDAÑA
UNITED STATES ATTORNEY

/s/ J. Mark Penley
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APPROVED:

/s/ Chad E. Meacham
CHAD E. MEACHAM
Criminal Chief

CERTIFICATE OF CONFERENCE

The undersigned certifies that on **August 26, 2013**, he contacted **Linda Moreno**, Esq., counsel for defendant Farida Yusufi, regarding this motion. Ms. Moreno does not oppose this motion, but contends that the dismissal should be **with** prejudice.

/s/ J. Mark Penley

J. MARK PENLEY

Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on **September 5, 2013**, I electronically filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorney(s) of record who have consented in writing to accept this Notice as service of this document by electronic means: **Linda Moreno**.

/s/ J. Mark Penley

J. MARK PENLEY

Assistant United States Attorney